

<p style="text-align: right;">Page 94</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 A. No.      3 Q. Does All Granite provide kitchen      4 faucets to its customers as part of any      5 promotion?      6 A. No.      7 Order was 2006, right?      8 Q. July 2006.      9 A. July 2006. To be honest, I don't      10 know. Maybe -- no, I don't want to even      11 guess. I think my boss was building a house      12 at that time. Maybe he just ordered it for      13 his house or something. Maybe something --      14 but we didn't give away faucets. We didn't --      15 that's not like something usual. Maybe      16 something...      17 Q. Okay.      18 Mr. Deja, how does All Granite      19 know if a sink is to be included in any given      20 countertop installation?      21 A. Well, we are getting the coupon      22 typically from the customer. And then we know      23 that we should give them the sink. Or you      24 mean how do we know that we should install one      25 of your -- one of our sinks?</p>	<p style="text-align: right;">Page 95</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. Yes.      3 A. Okay. Then let's say the      4 customer's provided us with a coupon at the      5 time of the initial consultation. Sometimes      6 we do the note in our system that the coupon      7 was provided. But typically customers is      8 advised to tell that piece of information      9 about the sink, that sink will be from our      10 stock to the templater who is measuring the      11 countertop. That is the most important piece      12 of information that we have to rely on.      13 Q. So it's from the customer to the      14 cutter or the customer to the technician?      15 A. To the technician. To the      16 templater, to the installer. To the person      17 who's coming over to the house. The way it's      18 played out when the customer is ready for us      19 to do the templating of the project he's going      20 to make a phone call. Okay, guys. I'm ready.      21 Come on over. We inform him that he has to      22 have all the appliances on site like the      23 stove, the refrigerator. We're not going to      24 measure the job when the appliances are not in      25 place. The measures have to be real precise.</p>
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<p style="text-align: right;">Page 96</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 The customer is informed that the templater is      3 coming over a create a template. And at that      4 point the templater will ask the customer,      5 Do you have your own sink or are you going to      6 use one of ours. If the customer has his own      7 sink, he will present it to the templater and      8 templater will fit it into the actual cabinet      9 to check if the sink fits. That's really      10 important because sometimes customers, they      11 buy sinks that are too big and we can cut the      12 hole for the sink and not place it into the      13 cabinet. He'll place the sink, mark the      14 center of the sink. Typically when we'll      15 place the seam when we have to join two pieces      16 together, we'll make the seams right in the      17 middle of the sink. This way you would get      18 only four inches on the front and back of the      19 sink and on the back you drill the holes for      20 the faucet so it's not visible anyway.      21 And if the customer tells the      22 installer I'm going to use your sink, the      23 installer will grab the piece -- the sample      24 sink from the car or even visually inspect the      25 cabinet because they know our sinks, they know</p>	<p style="text-align: right;">Page 97</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 whether it's going to fit or not. And he will      3 put that information on the shape of the      4 countertop, on the actual template that he's      5 creating. On that template there are the most      6 important information for our business, you      7 know, to fabricate a countertop. The name of      8 the granite, the sample number, the name of      9 the edge, the work order number, the seam      10 locations and the sink. If there is a      11 customer sink he will put on the template,      12 customer sink. And on the sink he'll write      13 the work order number on the side. If that's      14 our sink he'll place our sink, rectangle or      15 our sink, D-shaped. That's pretty much it.      16 Q. And how long are templates      17 maintained by your company after they're used?      18 A. They're thrown out automatically.      19 After they fabricate maybe they keep it a day      20 or two and they throw it out.      21 Q. Do they wait until the      22 installation takes place or --      23 A. Sometimes yes, sometimes no.      24 Q. Is there a policy or procedure      25 with respect to that?</p>
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<p style="text-align: right;">Page 98</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      A. No. No policy about that.</p> <p>3      Because if something goes wrong with the 4      installation and the shape does not fit there, 5      it's no blaming game. We're not going to go 6      back with the template to check who made the 7      mistake, whether that was the cutter on the 8      bridge saw or the C&amp;C department. We have to 9      replace the countertop anyway so we just send 10     the guy out to inspect the problem and he'll 11     create a new template. At the end of the day 12     the customer has to have the countertop 13     replaced, installed quickly. That's the 14     bottom line.</p> <p>15     Q. So other than the template itself, 16     does All Granite keep any records specifically 17     with respect to the number of sink 18     installations?</p> <p>19     A. Not really. Not really. It's not 20     consistent. Sometimes they may put it in the 21     notes. There is a field in our database that 22     the sales representative or production 23     coordinator may input some notes, like our 24     sink, or the customer will not be at home, or 25     knock at the back of the door. Something for</p>	<p style="text-align: right;">Page 99</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      the -- you know, something extra, like a 3      communication space.</p> <p>4      Q. Um-hum.</p> <p>5      A. And they may put a notation about 6      the sink in there but they may not. Same way 7      the installer will create a drawing of the 8      actual countertop and then on the side he may 9      put the sink, our sink, or he may not put it. 10     Previously we've been using -- you know, most 11     of the information was on the paper. But we 12     departed -- couple years back we departed from 13     that. Because the conditions of the granite 14     fabricator shop are very harsh. We have a lot 15     of water, we have a lot of dust. In the 16     wintertime we have to filter the air so there 17     is no heating pretty much because all the warm 18     air would escape anyway. So it's a very hard 19     job. When we were giving them papers they 20     would get them wet or dirty in a second. And 21     they were constantly going back and forth to 22     the foreman, print me another set, print me 23     another set. And when the operation is big 24     you just cannot have that.</p> <p>25     So we decided -- told installers</p>
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<p style="text-align: right;">Page 100</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      put all the information on the template. They 3      have the template right in front of their eyes 4      all the time. The template is made out of 5      thick plastic. They write on it with the 6      black -- not washable pen, the thick one. 7      They have it in front of their eyes, just do 8      it. Not going back and forth asking for 9      papers. That's why we didn't really focus on 10     write anything on the paper that they're 11     getting.</p> <p>12     Q. Obviously, Mr. Deja, we've been 13     talking about Artisan sinks here today. When 14     was the first time you heard of Artisan sinks?</p> <p>15     A. The first time? I believe that 16     was when we met -- I don't remember that, 17     exactly the first time. But I'm assuming when 18     we first met with Artisan in 2003.</p> <p>19     Q. Do you recall being part of a 20     meeting with Artisan in 2003?</p> <p>21     A. I have no recollection of that. I 22     have no recollection. It's been so long, you 23     know, that -- at that time we had lots of 24     meetings, especially with the quarries, so 25     everybody -- there was a meeting with</p>	<p style="text-align: right;">Page 101</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      somebody.</p> <p>3      Q. Do you attend any trade shows?</p> <p>4      A. Yes.</p> <p>5      Q. What trade shows do you attend?</p> <p>6      A. We participate in 16 to 18 trade 7      shows every year. This year -- last Saturday 8      I was on a trade show. I checked on my guys. 9      You know, how they're performing.</p> <p>10     Q. Are these national trade shows or 11     more local trade shows?</p> <p>12     A. Local trade shows. Home shows.</p> <p>13     Q. Do you know if Artisan ever shows 14     at the same shows that you attend?</p> <p>15     A. I don't believe -- I never saw 16     them.</p> <p>17     I can't recall. I don't know.</p> <p>18     Q. Do you know if you ever -- if you 19     or anyone on behalf of All Granite ever 20     discussed with the Chinese manufacturer 21     Artisan sinks?</p> <p>22     A. No.</p> <p>23     Q. You don't know or no?</p> <p>24     A. I didn't discuss.</p> <p>25     Q. Do you know if anyone else did?</p>
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<p style="text-align: center;">Page 102</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      A. I don't know. I don't believe so,      3      no.      4      Q. Do you recall ever providing any      5      of your sales force with training on Artisan      6      during the period when you were distributing      7      or giving away Artisan to customers?      8      A. Uh-huh. Well, let me put it this      9      way. When the new salesperson comes in we      10     always take that salesperson for a tour and we      11     show the facility. We show the process of      12     fabrication. We show the granite, the color,      13     the selection process. We show database. And      14     the sinks are very -- you know, like a tiny      15     little percentage of all that. So typically      16     the training that the salesperson gets is      17     these are sinks that we give away for free.      18     The customer may show you a coupon from      19     different publications that you can accept it,      20     you can tell them to give the coupon to the      21     installer who comes over to template the job.      22     And then there's a certain polish for      23     stainless steel. As good as any other sink.      24     And we may mention the gauge but it's not      25     typically what the salespeople do. They don't</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: center;">Page 103</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      really know the gauges and they're not really      3      that savvy. That's why, you know, if the      4      there is a need for that spec sheet that you      5      showed me for, like, additional information,      6      the customer -- I mean the salespeople will      7      look into that spec sheet and, you know, then      8      start replying to customers' inquiries.      9      But other than that, the main      10     thing that they know is just to give the sink      11     for free. That's it.      12     Q. When you say the spec sheet, are      13     you referring to the --      14     A. No, not this one.      15     Q. Not this one?      16     A. Not this one. The one with the      17     four sinks -- with the four sinks crossed out.      18     Q. The one that was part of the      19     investigator's report.      20     A. Right.      21     Q. Part of this (indicating).      22     A. Part of this (indicating), um-hum.      23     And the stainless steel sinks,      24     they scratch, so we basically advise the      25     customer that they may purchase the products</p> <p>TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: center;">Page 104</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      in Home Depot to polish them. That's regular      3      maintenance and that's pretty much it.      4      Q. Are there any other accessories      5      that you would tell the customers that they      6      could purchase on the open market?      7      A. No. You know, the salespeople,      8      they don't mention the accessories. Typically      9      people don't ask much about that when they're      10     purchasing the countertop. They're, like,      11     focusing on the stone alone. Mostly      12     99 percent of the time they spend on the yard      13     going back and forth from one slab to another.      14     Putting samples of the cabinet doors to the      15     stone to check how the color matches. That's,      16     you know, what they do. They don't think      17     about the sink yet.      18     Q. Well, do customers ever ask      19     salespeople who manufactures the sink that All      20     Granite provides?      21     A. Yeah. Well, they -- if they      22     inquire my people will say that that's our own      23     brand pretty much.      24     Q. And is that pursuant to any policy      25     or procedure of All Granite?</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: center;">Page 105</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      A. Can you restate the question?      3      Q. Is the fact that your salespeople      4      tell customers who inquire about the brand      5      name of the sink --      6      A. Part of the policy.      7      Q. -- part of the policy?      8      A. Um-hum. They are told to do so.      9      Q. And is that part of training or is      10     that provided in written documentation or      11     something else?      12     A. Not even written -- it's part of      13     the training. We just tell them that these      14     are our sinks. These are our sinks and...      15     Q. And with respect to the logo that      16     appears on the sinks manufactured for All      17     Granite, I believe you said -- were you      18     involved in that process?      19     A. Yes.      20     Q. What was your role in that      21     process?      22     A. Well, I was overseeing the design.      23     I was -- I was accepting the design that --      24     the graphic designer typically submits the      25     design for my approval so I was approving the</p> <p>TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: right;">Page 106</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 design, yes. That's the right word for it,      3 approval.</p> <p>4 Q. Let me show you what's been marked      5 as Plaintiff's Exhibit 4.</p> <p>6 A. Um-hum.</p> <p>7 Q. Could you tell me if you've seen      8 this document before or seen this design      9 before?</p> <p>10 A. Yes.</p> <p>11 Q. What is this design?</p> <p>12 A. It's our crown logo.</p> <p>13 Q. And who was responsible for      14 designing this logo?</p> <p>15 A. That was our graphic designer,      16 Sebastian Sroka.</p> <p>17 Q. And do you know when Mr. Sroka      18 designed this logo?</p> <p>19 A. I would say it was at the      20 beginning of 2007. Something like that maybe.</p> <p>21 Q. And did you provide Mr. Sroka with      22 any instructions with respect to this logo?</p> <p>23 A. Well, you know, we'd been thinking      24 about it and sort of, like, brainstorming with      25 some other people from my team, I guess.</p>	<p>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      Walter was also discussing it. And I came up      with an idea of creating our own logo and      branding our own line of sinks. And we were      thinking, you know, about the proper logo,      what to tie into, and we wanted to base it on      the -- you know, the company is a Polish      origin. We have a lot of employees with      Polish roots and Polish background so we      wanted to tie into Polish traditions a little      bit. And, you know, I've been studying in      Krakow, it's very old city with royal castle      in it. One of the most famous castles in      Europe. And we thought about something that      would go well with the Polish roots, something      that we could be proud of, and that was the      crown we came up with at that -- and I guess      Sebastian was doing some research and he found      the crown that -- the first Polish crown ever,      pretty much, and he copied it from the --      there is a Polish painter in 18th century, he      created old painting -- he made them up      basically from the very first Polish king to      the last one. It's a very famous gathering of      paintings. Everyone in Poland knows it. It's</p>
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<p style="text-align: right;">Page 108</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 really like a core of Polish historical      3 people. He took the first Polish king      4 Boleslaw Chrobry, and he took his crown and      5 that's what he wanted it to be, the Polish      6 crown, that first king. And that's what it      7 came to be.</p> <p>8 Q. And in this painting is the king      9 wearing the crown?</p> <p>10 A. Yes.</p> <p>11 Q. Just with respect to this logo,      12 when Mr. Sroka gave you a drawing was it      13 basically what you see here in front of you or      14 were there some revisions or drafts?</p> <p>15 A. I wanted the logo to be more      16 horizontal because on our website -- usually      17 when you design the website the logo are      18 square, they don't fit well into that very      19 long stripe -- strip, right? At the top of      20 the page. So logo with the horizontal aspect      21 will fit a little bit better. So I wanted the      22 logo to be kind of -- crown is pretty much      23 square. I wanted it to be a little bit more,      24 you know, like to the sides. Like this      25 (indicating). And he changed that little</p>	<p>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      thing -- you know, those -- what do you call      that thing?</p> <p>4 Q. I called them a curl the other      5 day.</p> <p>6 A. Curls, okay. Something. So he      7 changed them so they extend to the right and      8 left and that's pretty much it.</p> <p>9 Q. So was the case that there were      10 curls on the original --</p> <p>11 A. Yes. Same thing but a little bit      12 more curly like this way (indicating). And      13 like the bottom ones they're more, you know --      14 how maybe I should describe that? He made it      15 like this (indicating). Something like this      16 (indicating). And then he extended it this      17 way (indicating) the way I remember.</p> <p>18 Q. So the initial drawing, the curls      19 were smaller and closer to the actual crown,      20 correct?</p> <p>21 A. Right.</p> <p>22 Q. And at your suggestion he      23 elongated them and stretched them out a bit.</p> <p>24 A. Um-hum.</p> <p>25 Q. And with respect to the curls that</p>
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<p style="text-align: right;">Page 110</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      are at the bottom of the crown, were those      3      part of the original drawing?</p> <p>4      A. I think so.</p> <p>5      Q. Do you know how -- were these      6      curls also depicted in the painting of the      7      first Polish king?</p> <p>8      A. No. That was added. Because the      9      crown itself looked kind of plain. You know,      10     kind of generic. And we wanted to make it a      11     little bit less generic.</p> <p>12     Q. Okay.</p> <p>13     A. Plain basically. So that's -- I      14     guess he enhanced it with those.</p> <p>15     Q. Now, at this time did you have any      16     plans to seek trademark protection for this      17     logo?</p> <p>18     A. No. At this -- well, basically      19     that is always our intention, you know. But      20     there's not enough time to do everything. So      21     even if we wanted to do it it's just one of      22     the things that we would do at the very, very      23     end. So that's why it wasn't even      24     implemented.</p> <p>25     Q. Do you recall if you went so far</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 111</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      as to do a trademark registerability search      3      for a design like this?</p> <p>4      A. I do not believe Lou did that for      5      the crown. We'd been doing some trademark      6      registrations for some other things but not      7      for this one. We had a project - that's why      8      we met Lou couple of years back - that we've      9      been doing trademark registration. With this      10     one that was kind of one of the least      11     important things. That's why we didn't even      12     pursue that at that time. I mean, if I have a      13     little bit of a free time maybe -- but since      14     that whole promotion started I wouldn't at      15     this point.</p> <p>16     Q. Now, do you have any other brand      17     names or logos that you use in connection with      18     your sinks?</p> <p>19     A. Porcelain sinks, Di-Monte.</p> <p>20     Q. And who was responsible for that?</p> <p>21     A. Sebastian as well.</p> <p>22     Q. And have you sought any trademark      23     protection for the Di-Monte name?</p> <p>24     A. No, no.</p> <p>25     Q. And I believe you said that</p> <p>TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: right;">Page 112</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      beginning with the -- was it the second order      3      of sinks from the Chinese manufacturer in      4      April of 2007 --</p> <p>5      A. Um-hum.</p> <p>6      Q. -- the sinks that you were      7      ordering had this logo on them?</p> <p>8      A. Yes.</p> <p>9      Q. And is it correct to say that now      10     as of today all sinks in your inventory have      11     this logo on them?</p> <p>12     A. I think we are still left with      13     some sinks with no logo. But I would have to      14     check, you know, what's the quantity of those.      15     Not a lot but I think we still have some with      16     no logo.</p> <p>17     Q. Okay. And those would be from the      18     initial -- the first order?</p> <p>19     A. Yes.</p> <p>20     Q. So those would be for either the      21     SU12321 or the SU23120.</p> <p>22     A. Correct.</p> <p>23     Q. Double bowl and the D-sink I      24     believe?</p> <p>25     A. Um-hum.</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 113</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      Q. Now, do you use this logo in any      3      other place other than on the sink?</p> <p>4      A. No.</p> <p>5      Q. Does its appear on your website at      6      all?</p> <p>7      A. No.</p> <p>8      Q. Does Di-Monte appear on your      9      website at all?</p> <p>10     A. No.</p> <p>11     Q. Does it appear on any other      12     literature that is distributed by All Granite?</p> <p>13     A. No. We just don't focus on      14     branding really the sinks at this point.</p> <p>15     Q. And where is the logo located on      16     the sink?</p> <p>17     A. It's in the center of the sink as      18     you look at it. And in the double bowl sink      19     it's in the larger bowl in the center in line      20     with the strainer.</p> <p>21     Q. And with the other two it's lined      22     up with the drain hole?</p> <p>23     A. Yes, as well. Um-hum.</p> <p>24     Q. Mr. Deja, we talked a little bit      25     earlier about the Artisan sink that was on</p> <p>TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: right;">Page 114</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2      display in the South Plainfield showroom,  3      correct?  4      A. Um-hum.  5      Q. I believe you learned sometime in  6      the first week in January that that sink was  7      on display?  8      A. Um-hum.  9      Q. Do you know how that sink came to  10     be on display in the South Plainfield  11     showroom?  12     A. I don't know. My guess is that we  13     installed it and somebody forgot to remove it.  14     When we stopped, you know, selling Artisan  15     products, that was the only one that was  16     omitted and I don't know why. You know, I  17     guess by overseeing the fact that it's there.  18     Q. So was there a point in time when  19     each of the sinks in the South Plainfield  20     showroom on display was an Artisan sink back  21     when Artisan was the sink that was being  22     distributed by All Granite?  23     A. I think we had -- at that point we  24     had more of the sinks on display. And then  25     they were removed. But I'm not sure exactly</p>	<p style="text-align: right;">Page 115</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2      when.  3      Q. Take a look at what you've already  4      been shown which is Plaintiff's Exhibit 1  5      which is the investigator's report in  6      connection with this case.  7      Mr. Deja, could you tell me if  8      you've seen this document before?  9      A. Yes.  10     Q. And do you recall the first time  11     you saw it?  12     A. I think on Thursday was it? Or  13     Friday? Thursday I think, right? That  14     particular printout when I came here on  15     Thursday.  16     Q. Okay. And you've read the report?  17     A. What's that?  18     Q. You've read the report?  19     A. Yeah. Loosely.  20     Q. Well, the report relates to two  21     visits by a private investigator hired by  22     Artisan to visit the All Granite South  23     Plainfield showroom which visit took place on  24     November 6th, 2007 and November 27th, 2007.  25     And on this first visit the</p>
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<p style="text-align: right;">Page 116</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2      investigator was assisted by Mr. Peter Bucko.  3      Is Mr. Bucko an employee of All  4      Granite?  5      A. Yes, he is.  6      Q. And what is his position?  7      A. He's a salesperson.  8      Q. And the report indicates that Mr.  9      Bucko told the investigator without prompting  10     that the sink installed -- or if the  11     investigator was to go ahead with her order,  12     was to be an Artisan sink.  13     Do you have any reason to believe  14     why that was not what happened?  15     MR. CHIODO: Objection.  16     Mischaracterizes.  17     Q. You can answer the question if  18     understand it.  19     A. I forgot the question already.  20     Sorry.  21     Q. Let's look specifically at the  22     report.  23     A. At the report, okay.  24     Q. It relates that the investigator  25     engaged Mr. Bucko. That Mr. Bucko, and I'm</p>	<p style="text-align: right;">Page 117</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2      picking up in the middle of the paragraph,  3      stated that a free sink is provided with the  4      installation of a countertop when a coupon  5      from the Clipper was provided. He then told  6      the investigators about gauge and banged on  7      two sinks to show the difference in sound.  8      A. Um-hum.  9      Q. Stop there.  10     Have you ever seen Mr. Bucko doing  11     a sales pitch to customers?  12     A. I saw him assisting customers but  13     I never followed him every step of the way.  14     Q. Okay. Did you ever see Mr. Bucko  15     banging on sinks?  16     A. No, never.  17     Q. Have you ever seen any salesperson  18     at South Plainfield showroom banging on sinks?  19     A. No.  20     Q. Do you know if the banging on  21     sinks would be a way to show customers the  22     differences in sound deadening qualities?  23     A. That's an interesting concept. I  24     never thought of that. But -- if you bang on  25     the sink maybe the thickness of the sink will</p>
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<p style="text-align: center;">Page 118</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 show up. Maybe that's -- hum. 3 Q. The next sentence says, "He 4 pointed specifically to the D-shaped double 5 sink with the serial number 8455R with the 6 price of 250 and said it was a 16 gauge 7 Artisan sink and they were tougher and better 8 than other sinks on the market." 9 Do you see that? 10 A. Um-hum. 11 Q. Now, you've spoken to Mr. Bucko, 12 have you not, about this? 13 A. What's that? 14 Q. Have you spoken to Mr. Bucko about 15 this report? 16 A. Yes. 17 Q. And did Mr. -- 18 A. Well, when I talked to him he 19 basically told me I don't remember anything. 20 And that's pretty much -- and I didn't want to 21 really tell him what's in the report because I 22 didn't want to suggest him with things that he 23 doesn't really remember. So that's pretty 24 much -- I'm sorry. Your question? 25 Q. My question is did you in the</p>	<p style="text-align: center;">Page 119</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 course of I assume your own -- 3 A. Investigation. 4 Q. -- investigation, have you 5 uncovered any information that would cause you 6 to disbelieve the statements made in this 7 report? 8 A. Well, he told me that he doesn't 9 remember and that they never do it, pretty 10 much. Because, you know, he told me that he 11 is not, you know, familiar about the gauges 12 really. He knows something 16 inch -- but he 13 was hesitating. Sixteen is maybe thicker 14 something, so I cannot -- it didn't appear to 15 me that he was able at that time to perform 16 banging, like he's person knowledgeable about 17 sinks the way he described it to me later on 18 his experience with sinks, you know, and 19 knowledge about sinks. 20 Q. The report continues to discuss 21 the return visit by the investigator which 22 took place on November 27th, 2007 when the 23 investigator was helped by Chris. Who is 24 Chris? 25 A. Chris is a salesperson in our</p>
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<p style="text-align: center;">Page 120</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 South Plainfield office. 3 Q. And Chris's real name is Daniel; 4 is that correct? 5 A. Daniel, correct. He goes by the 6 name Chris. 7 Q. If you look at what's Bates 8 stamped ART 00024 and the first paragraph 9 about a little further than half way down, the 10 sentence that begins "AD asked more 11 specifically what brand of sink and that on 12 the previous visit AD was told of the Artisan 13 sinks. Chris confirmed that an Artisan sink 14 could be installed. AD and Chris then viewed 15 the sink display. Since Mr. Amabile requested 16 a D-bowl AD confirmed with Chris that the 17 D-bowl on display was an Artisan sink." 18 Do you see that? 19 A. Um-hum. 20 Q. Have you spoken to Chris about 21 this report? 22 A. Yes. 23 Q. What was the outcome of your 24 discussion? 25 A. Same thing. He just didn't</p>	<p style="text-align: center;">Page 121</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 remember. And I can believe them because they 3 serve so many customers that it's hard for 4 them to remember each and every one. And same 5 thing. 6 Q. Well -- sorry. Go ahead. 7 A. No, no. I'm sorry. 8 Q. Well, my question is -- I'm not 9 asking whether they remember the specific 10 customer. I'm wondering if they remember 11 whether they ever told a customer that the 12 sink that would be installed in their house 13 would be an Artisan sink. 14 A. No, no. They didn't -- they told 15 me that they don't say that basically to the 16 customer. Or something in that line. You 17 know, not -- pretty much. 18 Q. I show you what's been previously 19 marked as Plaintiff's Exhibit 7. 20 A. Um-hum. 21 Q. Mr. Deja, could you tell me if 22 you've ever seen this document before? 23 A. I believe I saw it as a part of 24 the -- part of the documentation. But it was 25 black and white.</p>
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<p style="text-align: right;">Page 122</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      Q. I'll represent to you that this      3      was a document provided to Artisan by Lin      4      Poynter, a customer from Massapequa who      5      purchased a countertop which included a free      6      sink installation from All Granite's      7      Ridgefield Park location.      8      A. Um-hum.      9      Q. And that Ms. Poynter claims that      10     she was given this sink spec sheet at the      11     Ridgefield Park location.      12     A. Um-hum.      13     Q. Now, other than in connection with      14     this lawsuit, have you ever seen this document      15     before?      16     A. No.      17     Q. Do you know if All Granite ever      18     creates or provides to customers documents      19     like this at any of its showrooms?      20     A. The one that you showed me with      21     the four sinks crossed out. That would be      22     something like that that was created by us.      23     Q. So that's the only type of      24     documents that would have been provided to      25     customers?</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 123</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      A. Yes, um-hum. Well, not really      3      provided. I don't think that they give it      4      away to the customer but if the customer wants      5      to have it, I don't think they will object.      6      Q. Now, what if a customer is working      7      with a contractor and for whatever reason the      8      contractor wants to know the specification of      9      the sink? What do you give the customer, if      10     anything?      11     A. The spec sheet that you showed me,      12     the previous one with the sink crossed out.      13     That was in circulation. That's something      14     that I remember as being.      15     Q. So you're looking at what was      16     marked as ART 00027?      17     A. Um-hum.      18     Q. Okay.      19     A. That I didn't see.      20     Q. Sorry. When you say that you      21     didn't see, you're talking about Plaintiff's      22     Exhibit 7?      23     A. 00241. ART. Yes.      24     Q. Do you know if a document like      25     this was ever made available to customers at</p> <p>TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: right;">Page 124</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      the South Plainfield location?      3      A. No. I don't know. I don't think      4      so.      5      Q. Did you ask anybody at South      6      Plainfield if a document like this was ever      7      made available?      8      A. I don't remember. I may have      9      asked Alex. Did I have a chance to ask him      10     about that? Yes, I think we asked him. Did I      11     ask him Thursday? I think I did ask him on      12     Thursday. Because we met him over here.      13     Q. Do you recall what he said?      14     A. No, he -- he said no, he didn't      15     see it. He didn't see the document.      16     Q. Do you know if the sinks that All      17     Granite has manufactured and in turn supplies      18     to customers were based on the specifications      19     for Artisan sinks?      20     A. No. They were not.      21     Q. Do you know if All Granite paid      22     for any molding or tooling charges to the      23     Chinese manufacturer?      24     A. No. As far as I know, they      25     basically manufacture sinks. They have their</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 125</p> <p>1      R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2      own line, you know, and we just purchase the      3      sink and they brand it for us. It's not like      4      we created a factory in there and they created      5      molds and they created sizes. It's more like      6      they sell sinks, we just buy them.      7      Q. Do you know if this factory      8      manufactures for any other sink companies?      9      Branded sink companies?      10     A. Sorry. Can you repeat the      11     question?      12     Q. Do you know if the Chinese      13     manufacturer manufactures sinks for any other      14     companies?      15     A. Oh, for any other companies. I      16     have no idea. But I may venture a guess that      17     yes.      18     Q. Let's talk about South Plainfield.      19     How are customer calls to South Plainfield,      20     phone calls, handled?      21     A. The customer calls in. There is      22     an automated message. If you want to hear      23     directions or the opening hours press 1. If      24     you want to talk to the sales representative      25     you may hold or press 2. They'll hold. And</p> <p>TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: center;">Page 126</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 the salesperson will answer the phone. And 3 then they will proceed according to the 4 request, whatever the customer needs. 5 Q. And is it -- 6 A. They're going to accommodate him. 7 Q. Is it whoever is available that 8 will pick up the call? 9 A. Whoever is available. 10 Q. Is there any specific procedure 11 for handling customer complaints or questions, 12 post-installation? 13 A. Typically the salesperson who 14 answers the phone will try to determine what 15 the problem is. And if the problem can be 16 dealt, you know, by that salesperson, he 17 should be able to help the customer and take 18 care of the problem. 19 If the problem cannot be taken 20 care of, the salesperson requires additional 21 knowledge or acting on our part, they will 22 transfer the customer to the service 23 department. In Ridgefield Park service 24 department is Tony, our service manager. 25 Q. A call to South Plainfield would</p>	<p style="text-align: center;">Page 127</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 ultimately be transferred to Tony in 3 Ridgefield Park? 4 A. No. In South Plainfield typically 5 the service calls are taken care of by Alex. 6 Q. Now, are you aware if Mr. Bucko 7 was responsible for scheduling service calls 8 or handling customer complaints at any point 9 in time? 10 A. Possible. Possible. I cannot 11 exclude it. In South Plainfield for 12 services -- see, Alex and Daniel, these are 13 two people who are responsible for final 14 confirmation of the price. And when the 15 output of the job is really big they are very 16 busy so I can see Alex transferring parts of 17 his duties to somebody else. 18 Q. Okay. Do you know if there's been 19 any change in South Plainfield with respect to 20 the handling of customer post-installation 21 issues in the last month or so? 22 A. Might have been. Might have been. 23 I think there was one girl, Julia, and I think 24 she was involved in services for some time. 25 And then maybe Alex back again. I don't know</p>	
<p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 128</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 exactly basically because if there is an issue 3 of a real importance I believe Alex will take 4 care of it anyway because ultimately it will 5 go back to him. And if that issue is going to 6 grow it will be transferred over to me so 7 ultimately I will know the most serious cases. 8 Q. Well, do you recall giving any 9 instructions personally to either Alex or 10 Daniel with respect to handling complaints in 11 South Plainfield over the last month or so? 12 A. No. No. 13 Q. Does All Granite have any 14 mechanism to keep track of complaint calls 15 from customers post-installation? 16 A. The only real record of the 17 complaint is being attached to the work order. 18 So when the customer calls in the salesperson 19 will ask about the work order number. They 20 will pull out that record or that record will 21 automatically pop out. Our telephone system 22 recognizes the phone number because our 23 database is connected to the phone system in a 24 way that when the phone rings the work order 25 should automatically pop up on the screen.</p>	<p style="text-align: center;">Page 129</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 And salesperson looking at the 3 work order will be able to see the size of the 4 installation, you know, what the problem might 5 be. He will see the material. You know, some 6 materials stain a little bit more than others 7 and so forth. So he'll be able to help the 8 customer a little bit. 9 If there is a real problem then 10 the phone call will be transferred to Tony and 11 Tony setting up a service visit, he will make 12 a note in the system. I'm sending over the 13 crew to inspect the granite for stains. I'm 14 sending over the crew to inspect it for 15 something. And then when the installer comes 16 back, he will report to Tony and he will say, 17 you know, the stains are there, we have to 18 replace the piece, whatever. Tony will put 19 the note on the file. But there is no -- if I 20 wanted to know in the list of services, the 21 system is not set up for that. We're dealing 22 with -- you know, there are not too many 23 services so typically Tony can remember the 24 services that he's working on, you know, by 25 the memory. And that's pretty much what it</p>

<p style="text-align: right;">Page 130</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 is.</p> <p>3 Q. Do you know if All Granite has any 4 mechanism to keep track of calls that relate 5 specifically to the sinks that All Granite 6 installs?</p> <p>7 A. No.</p> <p>8 Q. Are you aware of any customers 9 ever calling with respect to inquiries or 10 questions about the sinks that All Granite 11 installed?</p> <p>12 A. Am I aware, right?</p> <p>13 Q. Yes.</p> <p>14 A. About that calls. Well, I talked 15 to Alex and talked to Tony about services that 16 would involve sinks and they told me that the 17 only services that would pertain to sinks, 18 that would pertain to them indirectly, like, 19 in two instances I think, two or three I think 20 maybe the sink became loose. That was within 21 a couple of years period.</p> <p>22 Then -- what was it? The opening 23 for the sink was too small. The cutout that 24 we did. Something like that. But there were 25 no actual, you know, claims regarding the</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 131</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 sink, itself. Like the quality of the sink, I 3 don't like the sink. Nothing of that matter.</p> <p>4 Q. How about anyone asking for 5 accessories for the sink?</p> <p>6 A. Sometimes people may ask about the 7 accessories about the sink. But we do not 8 treat that as a service call. So Tony -- 9 typically that phone call would not even end 10 up at Tony's desk. People in the sales office 11 will inform the customer that, you know, he 12 may inquire about the accessories in some 13 other manufacturers and see if they fit from 14 Kohler's website and I believe from Artisan's 15 website as well.</p> <p>16 Q. So is it your understanding that 17 people in the sales office may have referred 18 customers looking for accessories for their 19 All Granite sinks to Artisan?</p> <p>20 A. It is possible. It is possible. 21 We've been doing some business before with 22 Artisan, you know, and if people want to 23 purchase something, you know, they may do it 24 from them if it fits and if they find 25 something that they're looking for. You know,</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 132</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 we recommend some people for the cleaning 3 product as well. We have our own cleaner but 4 if somebody has a stain we will send them over 5 to Stone Tech Pro website, you know, so...</p> <p>6 Q. Going back specifically to 7 Artisan --</p> <p>8 A. People don't like Kohler's 9 accessories because they're expensive so 10 they're not -- when we send them over to 11 Kohler they don't like Kohler's accessories.</p> <p>12 Q. Okay. Well, are you aware of any 13 specific instance where an All Granite 14 employee referred a caller to Artisan for a 15 sink accessory?</p> <p>16 A. No, not specifically. I asked in 17 the sales office and the reply was, well, you 18 know, very rarely. But sometimes when 19 somebody calls we say Kohler or Artisan.</p> <p>20 Q. With respect to Ridgefield Park, 21 how many of your employees there were employed 22 by All Granite prior to 2007 in the period 23 where Artisan sinks were being promoted and 24 given away from All Granite?</p> <p>25 A. How many salespeople -- what was</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 133</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 the number of the sales staff? Or what was 3 the number of people working for us like 4 coming and going?</p> <p>5 Q. Well, how many people were working 6 for All Granite then that are still working 7 for All Granite now?</p> <p>8 A. Oh, okay. Hum. From 2006?</p> <p>9 Q. From -- yeah, from whenever --</p> <p>10 A. 2003 I mean.</p> <p>11 Q. The 2003 to 2006 period.</p> <p>12 A. That would be me. Thomas maybe.</p> <p>13 Martin, the manager. Some production. Peter. 14 But not sales staff.</p> <p>15 Q. No sales staff?</p> <p>16 A. I don't believe sales staff.</p> <p>17 Q. How about in South Plainfield? 18 Does anybody fit into that category?</p> <p>19 A. I would have to ask Alex but I 20 don't believe that -- the guys in there are 21 like for six months, maybe eight months. Not 22 that long.</p> <p>23 Q. Is Alex somebody who would --</p> <p>24 A. Alex would know better, 25 definitely. And he would be the one</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Page 134</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 because -- yes, who was employed for the whole 3 period.</p> <p>4 Q. How about Daniel? 5 A. Maybe Daniel. He came from 6 Ridgefield Park with him to the -- we kind of 7 transferred them over but Alex is definitely 8 older employee than Daniel.</p> <p>9 Q. Now, with respect to the memo that 10 we looked at earlier which was here, in 11 addition to the memo did you provide any 12 additional instructional information to your 13 salespeople or to All Granite personnel? 14 A. I told them that if anything weird 15 is going to happen, you know, with respect to 16 customer relation and the sink, you know, like 17 phone calls inquiring about sinks specifically 18 or anything that concerns the matter, that I 19 should be notified. And, you know, they 20 should let me know. 21 What else? 22 Well, the typical stuff that I 23 discussed earlier. I ordered them to search 24 their desks and, you know, there's some hidden 25 old cabinets and files for, like, materials</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 135</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 they wouldn't know about but it might be there 3 or something and they searched for it. 4 Q. And just to confirm, this memo was 5 distributed to all three All Granite offices? 6 A. All three locations, that's 7 correct. And displayed as well. I 8 specifically requested managers to read it to 9 all the salespeople so they on a one-by-one 10 basis will be familiarized with it and then we 11 post it on the wall. 12 Q. When you say read it to the 13 salespeople, to actually read it to the 14 salespeople out loud? 15 A. No, they show it to them so they 16 can read it. 17 Q. So everybody got their own copy as 18 far as you know. 19 A. Well, either that or in 20 Stroudsburg there's only three people so the 21 manager show them. 22 Q. I'd like to show you what's 23 previously been marked as Plaintiff's 24 Exhibit 6. And, Mr. Deja, could you tell me, 25 have you ever seen this document before?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Page 136</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. Wasn't it the false name of the 3 investigator? Susan Murray? I think that's 4 the customer, right? I think so. 5 Q. So your understanding is this is 6 the All Granite document relating to the order 7 placed by the private investigator? 8 A. By private investigator. Okay. 9 Yeah. That's why I recall that name. It 10 sounded familiar. 11 Q. And are all the documents that are 12 included in this exhibit All Granite 13 documents? 14 A. Yes. That is I believe client's 15 drawing (indicating). That's her hand drawing 16 I can assume. That's ours definitely, that's 17 ours. That's ours. Um-hum. Well, everything 18 is ours because her drawing was scanned into 19 the estimate portion of the database. 20 Q. Okay. Now, looking at the first 21 page of this exhibit it indicates that the 22 estimate was created by Peter Bucko on 23 November 27th, 2007. 24 Do you see that? 25 A. Um-hum.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 137</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 Q. And then it says Last Corrected By 3 Sebastian Kruszewski on January 7th, 2008. 4 A. Um-hum. 5 Q. Who is Sebastian Kruszewski? 6 A. One of our salespeople. 7 Q. And do you know why Sebastian 8 Kruszewski accessed or corrected this estimate 9 on or about January 7th, 2008? 10 A. I don't know. I don't know. It 11 happens very often. How should I phrase that? 12 When the customer comes in first 13 time, they typically do not have very exact 14 drawings. Something like this (indicating) is 15 very common, you know, by hand. And then 16 there are some minor changes when they're 17 ready to finalize the order. The work order 18 changes. Maybe that length here is different. 19 Maybe they add a windowsill. And typically 20 what we do is we work on the original estimate 21 so we don't have, like, many copies of the 22 same estimate. That would confuse us because 23 the most important thing is the most recent 24 one, but at the same time we want to keep 25 track who was serving the customer because if</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Page 138</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2 there is any question we can go back and check  3 with Peter or with Sebastian. So I'm assuming  4 either dimensions changed before the  5 installation. There must have been small  6 change. Or even -- then it will show up also  7 if somebody is making a note on the work  8 order. And they're changing the order --  9 let's see the notes. Maybe he did some notes.  10 Something. Anything. We'll basically make  11 that record whoever was changing that.</p> <p>Q. And where does Sebastian work?  What office?</p> <p>A. Sebastian I think is both. But  mostly Ridgefield Park I think. I see him in  Ridgefield Park.</p> <p>Q. Just looking at the third page of  this exhibit.</p> <p>A. Um-hum, third page.</p> <p>Q. Appears to be the work order.</p> <p>A. Yes.</p> <p>Q. Do you see that?</p> <p>A. Yes.</p> <p>Q. It lists installation date of  December 8th, 2007. Do you see that?</p>	<p style="text-align: center;">Page 139</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2 A. Um-hum.  3 Q. Do you know why then Sebastian  4 would be going into this file on January 7th,  5 2008 a month or so after the installation was  done?</p> <p>A. I have no idea.  Did she call us? Did she call us?</p> <p>Q. I don't believe so.</p> <p>A. I don't know. There must have  been something. The thing is Sebastian  Kruszewski cannot change anything of real  vital importance because he has a sales  access -- sales representative access to there  so he cannot change anything important.</p> <p>Q. I'd like to show you what's  previously been marked as Artisan -- I'm  sorry -- Plaintiff's Exhibit 8.</p> <p>A. Um-hum.</p> <p>Q. Which again appears to be  documents relating to a countertop  installation done for Charles, I believe, and  Suzanne Nagle of Bridgewater, New Jersey.</p> <p>A. Um-hum.</p> <p>Q. Let's hold off on this. Let me</p>
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<p style="text-align: center;">Page 140</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2 show you something else first.</p> <p>A. Um-hum.</p> <p>Q. Sorry.</p> <p>I show you what's previously been  marked as Defendant's Exhibit 11.</p> <p>A. Um-hum.</p> <p>Q. Mr. Deja, have you ever seen this  document before?</p> <p>A. I think so.</p> <p>Q. I'll ask you to direct your  attention to the fourth page of this document.</p> <p>A. Yes.</p> <p>Q. Which in response to a question  from All Granite regarding individuals who  have contacted Artisan regarding the  installation of sinks by All Granite, there  are six names listed.</p> <p>Do you see that?</p> <p>A. Yes.</p> <p>Q. Do you know if any -- have you  tried to contact any of the people listed  here?</p> <p>A. No.</p> <p>Q. Do you know if anyone on behalf of</p>	<p style="text-align: center;">Page 141</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  2 All Granite has tried to contact the people  here?</p> <p>A. No.</p> <p>Q. Do you know if All Granite has  attempted to confirm whether the people listed  here were, in fact, customers of All Granite?</p> <p>A. Yes.</p> <p>Q. And do you recall what the outcome  of that examination was?</p> <p>A. I believe that Paul Conrad or  Larry -- I don't remember. For most of them  we were able to find the work orders. For one  guy I forgot -- maybe this Larry Luchan we  just noticed that there was an account set up  but no work order then.</p> <p>Q. Do you know if any other effort  was made to contact any of these people?</p> <p>A. No. No, we didn't talk to them.  We didn't call them. Can we?</p> <p>Q. Looking now at Plaintiff's  Exhibit 8 which is the documents produced by  All Granite with respect to the order of  Charles Nagle, do you see that?</p> <p>A. Um-hum.</p>
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<p style="text-align: right;">Page 142</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. Was this what was generated by All      3 Granite in response to Artisan providing these      4 names?      5 A. I think so.      6 Q. And would this then confirm that      7 Mr. Nagle, in fact —      8 A. Was a client of All Granite.      9 Q. And if I represent to you that Mr.      10 Nagle informed me that he was told by Alex at      11 South Plainfield that he would be receiving an      12 Artisan sink in his home, do you have any      13 reason to disbelieve that representation?      14 A. Yes. I wouldn't believe Alex      15 would say that. There is just no reason for      16 it.      17 Q. Okay.      18 MR. MALTBIE: I'll have marked as      19 Plaintiff's Exhibit 14 documents      20 produced by All Granite bearing Bates      21 stamps AGM 162 through AGM 171.      22 (Plaintiff's Exhibit 14, document      23 bearing production numbers AGM 0162      24 through AGM 0171, marked for      25 identification as of this date.)</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 143</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 BY MR. MALTBIE:      3 Q. Mr. Deja, this appears to be the      4 estimate, work order, and invoice for the      5 installation of the kitchen countertop for      6 Robert Lezinski in Berkeley Heights, New      7 Jersey.      8 Do you agree with that?      9 A. Yes.      10 Q. Do you know if this document was      11 generated in response to the names provided by      12 Artisan in its response to the      13 interrogatories?      14 A. I think so. If that's the name      15 that is on the list I would assume so, yes.      16 Q. (Indicating).      17 A. Um-hum.      18 Q. On the estimate, at least -- let's      19 take a look at that. There's — on the      20 Created By area there's the name Kamil      21 Grzywniak. And who is that?      22 A. I don't know him.      23 Q. Do you know if that's a      24 salesperson that works there?      25 A. Yeah, that must be a salesperson.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 144</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. And there's another name, Keith      3 Kowal. Do you know who Keith Kowal is?      4 A. Yes. He's a salesperson.      5 Q. And then looking at the next page      6 which appears to be a revised estimate —      7 A. Yes. Well, hum. I think that's a      8 specific estimate and that's their regular      9 estimate.      10 Q. This appears to have been created      11 by Robert Sienkiewicz.      12 A. Um-hum.      13 Q. And who is that?      14 A. A salesperson.      15 Q. And it indicates that it was last      16 corrected by Barbara Wojtach?      17 A. Um-hum.      18 Q. And who is that?      19 A. He's our bookkeeper.      20 Q. And if you look, there's another      21 estimate in here which is on Bates page number      22 AGM 165 which appears to have been created by      23 Severyn Graefling.      24 Do you see that?      25 A. Yes.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 145</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. Who is Severyn?      3 A. He was a salesperson.      4 Q. Does he still work with All      5 Granite?      6 A. No.      7 Q. And this indicates that it was      8 last corrected by Jerry Wojcik.      9 A. Wojcik.      10 Q. Wojcik.      11 A. I don't know that name. I know      12 our salespeople but typically by face. And      13 sometimes the name they go by is different      14 than their real name so I...but it must be a      15 salesperson.      16 Q. Then looking at the work order ID      17 which is on page AGM 169 there's an indication      18 there of a yard salesman, Peter Bucko.      19 Do you see that?      20 A. Yes.      21 Q. What does yard salesman mean?      22 A. Yard salesman means somebody who      23 is showing the customer around on our yard who      24 is actually showing the slabs to the customer.      25 So yard salesman would be the person who</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Page 146</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 actually took care of the customer.</p> <p>3 Q. So that's the person who's closest 4 to the end or closest to the sale?</p> <p>5 A. Closest to the sale you may say. 6 The name over here, these are only basically 7 the people who made the estimate. They might 8 have been doing that over the -- not over the 9 phone but based on the facts or something 10 without real contact with client. 11 Yard salesman, that's the person 12 who actually had the contact with client, who 13 actually saw the client, talked to the client 14 which is important sometimes if we need to get 15 additional information.</p> <p>16 Q. And when you say the people over 17 here you're referring to the names that appear 18 on the estimate that appear on the first page 19 of this exhibit?</p> <p>20 A. Yes, um-hum.</p> <p>21 Q. Now, if I represent to you that 22 Mr. Lezinski has informed Artisan and myself 23 personally that he believed that he was 24 receiving an Artisan sink when All Granite 25 installed the sink in his home would you have</p>	<p style="text-align: center;">Page 147</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 any reason to disbelieve that?</p> <p>3 A. I would because I -- it's hard for 4 me to believe that he -- in one way he 5 believed that we're installing Artisan sink in 6 his home. The only sink that was on display 7 was in South Plainfield. The rest was pretty 8 much our sink so pretty much the customer is 9 going to get what he noticed. Without that 10 one little omission, the rest was all the 11 sinks that they were actually getting.</p> <p>12 Q. But does that take into account 13 what a salesperson may have actually told Mr. 14 Lezinski?</p> <p>15 A. No. But I don't see a reason. 16 See, that is something that is really hard for 17 me to believe. I can see the reason why my 18 salespeople would say that we give away 19 Artisan sinks because that wouldn't help us in 20 any way. On the contrary. So it would be 21 like doing something bad for the company, not 22 a thing that might help the company. So why 23 would they say that? It's beyond me. I don't 24 know.</p> <p>25 Q. Well, you testified earlier</p>
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<p style="text-align: center;">Page 148</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 that -- was it back when you made the decision 3 to no longer carry Artisan sinks that you 4 believed that there was no brand recognition 5 for Artisan brand?</p> <p>6 A. Correct.</p> <p>7 Q. Now, do you have any understanding 8 or belief as to the situation with respect to 9 brand recognition for Artisan as you sit here 10 today? Is it the same or is it something 11 different?</p> <p>12 A. Well, I think that I still do 13 believe that there is no brand recognition on 14 the market in terms of Artisan brand. And I 15 specifically talked to salespeople asking them 16 the question whether -- there was a situation 17 where the customer came to the showroom and 18 asked about Artisan sink and they said no, 19 there was not even single instance that the 20 customer came over and inquired specifically 21 about Artisan sink with the omission of the 22 investigator. She was the only person who 23 actually came over and asked about Artisan 24 sink, okay? So we did not have customers who 25 were actually actively seeking the product.</p>	<p style="text-align: center;">Page 149</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 And that was one major factor in my decision 3 of stopping the cooperation with Artisan. And 4 the second was even if we pointed out the 5 customer to that brand and we told them here 6 is the Artisan sink when we were -- I'm 7 talking about the time that we were carrying 8 Artisan sinks and we were giving them away, 9 still the customer did not recognize the logo, 10 did not recognize the brand. Still the 11 response was, And what is this.</p> <p>12 Well -- and the same -- did you 13 guys hear about Artisan before the whole thing 14 started? You probably did not. And that's 15 the situation as it is. That's the real 16 truth. Nobody really hears about Artisan. 17 Nobody really hears about the brand. And the 18 common end-user is a person who's coming to 19 our showroom. That's the exact person who 20 never heard about the Artisan. That's why I 21 think that it did not -- if my people were to 22 say that we have those sinks in stock, okay, 23 that wouldn't help us in any way because we 24 would be talking to somebody who doesn't know 25 who Artisan is anyway. We may be talking we</p>
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<p style="text-align: right;">Page 150</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 have Georgia in stock and they wouldn't --      3 that would be the same effect. That's why we      4 came, you know, with an idea of our own brand.      5 That's why that was one of the reasons that      6 we're starting from scratch.</p> <p>7 Q. And have you spoken to Mr. Bucko      8 about this particular issue?</p> <p>9 A. About the issue of?</p> <p>10 Q. Brand recognition for Artisan.      11 A. Yeah, I asked him whether it      12 happened -- you know, I asked him did it      13 happen to you that the customer came over and      14 asked about the Artisan brand. And he wasn't      15 able to recall that. The investigator was the      16 only person and maybe that made him a little      17 bit unclear. But he didn't remember anyway.</p> <p>18 Q. But are you aware that Mr. Bucko      19 testified that he knew of Artisan brand due to      20 customer inquiries about the Artisan brand?</p> <p>21 A. No. No, I'm not aware about that.      22 But I cannot exclude the situation that the      23 customers are calling about the accessories      24 and somebody's hearing in the showroom the      25 name Artisan. But the inquiries -- I talked</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 151</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 specifically to many people, sales office      3 manager in Ridgefield Park, Alex, and, no.      4 Just no.</p> <p>5 MR. MALTBIE: I'd like to have      6 marked as Plaintiff's Exhibit 15      7 documents produced by All Granite      8 bearing Bates stamp numbers AGM 187      9 through 193.      10 (Plaintiff's Exhibit 15, document      11 bearing production numbers AGM 00187      12 through AGM 0193, marked for      13 identification as of this date.)</p> <p>14 BY MR. MALTBIE:      15 Q. Mr. Deja, if you could take a look      16 at what's been marked as Plaintiff's      17 Exhibit 15 and I'll represent to you -- let me      18 ask you, actually. This appears to be the      19 estimate and work order -- I don't actually      20 see an invoice -- for Alice Anderson in      21 Highcrest, New Jersey.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you -- do these documents      25 appear to be documents created by All Granite?      TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 152</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 A. Yes, they do.</p> <p>3 Q. And were those documents generated      4 in response to the names provided by Artisan      5 in response to All Granite's interrogatories?</p> <p>6 A. Yes, um-hum.</p> <p>7 MR. MALTBIE: Let's mark as      8 Plaintiff's Exhibit 16 a document      9 entitled Declaration of Alice Anderson      10 which is a three-page declaration which      11 is dated January 31st, 2008.      12 (Plaintiff's Exhibit 16,      13 Declaration of Alice Anderson dated      14 January 31, 2008, marked for      15 identification as of this date.)</p> <p>16 MR. CHIODO: Could I have a little      17 break?</p> <p>18 MR. MALTBIE: Sure.      19 It should be Bates stamped ART      20 00244 through 246.      21 (Recess taken.)</p> <p>22 BY MR. MALTBIE:      23 Q. Mr. Deja, I've just handed you      24 what's been marked as Plaintiff's Exhibit 16      25 and ask you whether you've ever seen this</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 153</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 document before.</p> <p>3 A. I believe so.</p> <p>4 Q. When was the first time you ever      5 saw this document?</p> <p>6 A. Yesterday -- not yesterday. On      7 Thursday I think.</p> <p>8 Q. And have you read this document?</p> <p>9 A. Yes.</p> <p>10 Q. This document is a declaration      11 from Ms. Anderson who is a customer of All      12 Granite; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And in this declaration, and      15 specifically in paragraph 5, Ms. Anderson      16 states that when she called All Granite to      17 find out the name of the manufacturer of the      18 sink they had received she was informed by All      19 Granite that the manufacturer of the sink was      20 Artisan Manufacturing Corporation.</p> <p>21 Do you see that?</p> <p>22 A. Um-hum.</p> <p>23 Q. Do you have any reason to      24 disbelieve or discredit this statement made by      25 Ms. Anderson?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Page 154</p> <p><b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>1       A. Well, I believe it's a 2 miscommunication. I believe she was notified 3 that -- she was inquiring about the grid and 4 somebody just told her to call Artisan, you 5 know, for a grid basically. But I don't 6 believe she was notified that it's an Artisan 7 sink.</p> <p>8       Q. So have you made any inquiry with 9 respect to who may have notified Ms. Anderson 10 that she could call Artisan for a grid?</p> <p>11      A. No. At that point it's not 12 possible to know. Nobody would even remember 13 that. You know, just one phone call from 14 thousands.</p> <p>15      Q. If there is no brand recognition 16 with respect to Artisan, why would someone in 17 your office suggest that a customer call 18 Artisan for a sink accessory?</p> <p>19      A. Okay. I think we've got the brand 20 recognition -- I meant by saying brand 21 recognition, I meant the customers don't know 22 who Artisan is. There is no brand recognition 23 among the customers and the fact that our 24 salespeople know the name Artisan I think, you</p>	<p style="text-align: center;">Page 155</p> <p><b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>1       know -- I'm not going to say that they don't. 2 Because some people know that we've been 3 selling Artisan sinks before. Some people -- 4 I mean, at that point, you know, many people 5 know Artisan just because of what's going on. 6 So -- of the litigation. So that's -- I would 7 be lying if I say that they don't know who 8 Artisan is. But by saying there is no brand 9 recognition, I mean the customers have no 10 knowledge about Artisan. They -- like, if you 11 ask somebody on the street, you know, give me 12 three names of the sink manufacturers, they 13 would say Kohler and probably that's it. 14 Maybe Elkay. Maybe Franke. There would be 15 no -- I can safely say there would be no 16 people mentioning Artisan. 17       So I know people coming into us, 18 they don't know about Artisan. To be honest 19 with you, I read through that declaration, I 20 noticed that she wasn't notified that she's 21 getting an Artisan sink. She got our sink. 22 She got the sink that she was looking at 23 exactly basically. That's what it is. And 24 then she called us up and she wanted a grid.</p>
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<p style="text-align: center;">Page 156</p> <p><b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>1       We don't carry it. We told her go to some 2 other companies, maybe Kohler, maybe Artisan. 3 Maybe somebody mentioned Artisan name.</p> <p>4       Q. Well, do you know if Kohler was 5 mentioned to Ms. Anderson?</p> <p>6       A. I don't know that. I don't know.</p> <p>7       Q. And with respect to your 8 salespeople, how many would you say in your 9 Ridgefield Park location would be familiar 10 with Artisan?</p> <p>11      A. At this point everyone.</p> <p>12      Q. I'm saying --</p> <p>13      A. Before the litigation?</p> <p>14      Q. Yes.</p> <p>15      A. It's hard to say. I may ask 16 around how many people would -- but it's hard 17 to say. Because I cannot exclude that people 18 knew that we've been selling Artisan sinks 19 before.</p> <p>20      Q. But I believe you testified 21 earlier that you were among the very few 22 people who are left --</p> <p>23      A. Correct.</p> <p>24      Q. Actually the only person who</p>	<p style="text-align: center;">Page 157</p> <p><b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>1       handled sales who's still at All Granite.</p> <p>2       A. Correct.</p> <p>3       Q. That was present at All Granite 4 when you were handling Artisan sinks.</p> <p>5       A. Correct.</p> <p>6       Q. Is there anyone other than you 7 from the salespeople at All Granite that would 8 be aware of Artisan?</p> <p>9       A. Well, from our -- whoever was 10 working for the company at the same time. The 11 sales office manager was also working when we 12 were purchasing sinks and giving them away 13 from Artisan.</p> <p>14      Q. And that person is still with --</p> <p>15      A. Yes. That sales office manager 16 that I mentioned.</p> <p>17      Q. Who is that?</p> <p>18      A. Thomas Wolosik.</p> <p>19       MR. MALTBIE: Let's mark as 20 Plaintiff's Exhibit 17 a document 21 bearing Bates stamp numbers AGM 179 22 through AGM 186.</p> <p>23       (Plaintiff's Exhibit 17, document 24 bearing production numbers AGM 0179</p>
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<p style="text-align: right;">Page 158</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 through AGM 0186, marked for 3 identification as of this date.) 4 BY MR. MALTBIE: 5 Q. Mr. Deja, this exhibit appears to 6 be the estimate, invoice, and work order for a 7 countertop installation done for Virginia 8 Anderson of Morristown, New Jersey. 9 Do you see that? 10 A. Yes. 11 Q. And do you know if this document 12 was generated and produced by All Granite in 13 response to the list of names provided by 14 Artisan? 15 A. Yes, um-hum. 16 Q. And have you confirmed, therefore, 17 that Ms. Anderson was a customer of All 18 Granite? 19 A. Yes. 20 Q. And if I told you that Ms. 21 Anderson was informed prior to the 22 installation of the sink in her home that she 23 was going to be receiving an Artisan sink 24 would you have any reason to disbelieve or 25 discredit that statement?</p>	<p style="text-align: right;">Page 159</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. I would just -- again, I would be 3 surprised why would that happen. My question 4 would be probably what we would gain by saying 5 to her that that's an Artisan sink. It would 6 be just no gain at all. 7 Q. Are you aware of any recognition 8 in the industry that Artisan has gained for 9 being a provider, a manufacturer of 16 gauge 10 stainless steel sinks? 11 A. No. No, I mean, 16 and 18 12 gauge -- I mean, I heard that they started 13 manufacturing 16 gauge sinks because I met 14 with Artisan representative in the summertime 15 and he told me about it but I don't think 16 there is a recognition that goes like beyond 17 that. Because there is no real gain for the 18 customer in jumping up with the stainless 19 steel grade. The cost maybe. Twenty and 20 18 -- but 16 and 18 when you compare them, 21 equally good. 22 Q. Do you recall if All Granite ever 23 purchased any 16 gauge sinks from Artisan? 24 A. It is possible. It is possible. 25 Q. Take a quick look back at --</p>
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<p style="text-align: right;">Page 160</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. If we look at the invoices. 3 Q. Take a quick look back at 4 Plaintiff's Exhibit 10. 5 A. Seventeen gauge. Seventeen gauge. 6 Seventeen gauge. Seventeen gauge. Seventeen 7 gauge. Seventeen gauge. Seventeen gauge. 8 Seventeen gauge. Mostly 17, I think. 9 (Pause on the record.) 10 A. Sixteen gauge, yeah. I found something. 11 Q. If you look at the page that's 12 Bates ART 00210, the page before the one 13 you're looking at. 14 A. Okay. 15 Q. Does that document refresh your 16 recollection of All Granite's purchase of 16 17 gauge sinks from Artisan Manufacturing Corp.? 18 A. Yes, um-hum. 19 Q. I'd like to show you what's 20 previously been marked as Plaintiff's 21 Exhibit 9 which is a document bearing Bates 22 stamp number AGM 151 through AGM 161. 23 And this appears to be the 24 estimate ID for two customers -- sorry.</p>	<p style="text-align: right;">Page 161</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. Kay Conrad and Ray Conrad I think. 3 That's what we were able to find. 4 Q. This document appears to be the 5 estimate, work order, and invoice for a 6 countertop installation for Kay Conrad. 7 Do you see that? 8 A. Kay Conrad, um-hum. 9 Q. Can you tell if this collection of 10 documents relates to one or two countertop 11 installations? 12 A. I think -- let me just check. I see two estimates, same address, though. 13 Maybe that's a duplex. Square footage is 14 roughly the same. One drawing. 15 Well, I think that's one 16 installation. 17 Q. And were these documents produced 18 by All Granite in response to the list of 19 names provided by Artisan in response to the 20 interrogatories? 21 A. Yes, um-hum. 22 Q. And if I told you the Conrads 23 believed at the time of installation that they 24 were receiving an Artisan sink, would you have</p>
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<p style="text-align: right;">Page 162</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      any reason to discredit or disbelieve that</p> <p>3      statement?</p> <p>4      A. Yes. Well, as previously, they</p> <p>5      looked at the sink. Over here that's the</p> <p>6      estimate out of Ridgefield Park location,</p> <p>7      right? The only sink -- Artisan sink</p> <p>8      displayed on that was in South Plainfield.</p> <p>9      Over here we have sinks lying against the wall</p> <p>10     and they're all our sinks. So they looked at</p> <p>11     it -- they must have looked at it and they</p> <p>12     must have seen it and that's what they've got.</p> <p>13     That's the exact same thing that they looked</p> <p>14     at.</p> <p>15     Q. Well, does that explanation</p> <p>16     account for what the salesman may have told</p> <p>17     them with respect to the sinks they were</p> <p>18     having installed in their home?</p> <p>19     A. Again, same -- same answer pretty</p> <p>20     much as to what the previous. I don't believe</p> <p>21     that the salesman would tell them the Artisan.</p> <p>22     I just don't have the -- I don't know the</p> <p>23     reason for it might be.</p> <p>24     MR. MALTBIE: Let's mark as</p> <p>25     Plaintiff's Exhibit 18 a document</p>	<p style="text-align: right;">Page 163</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      bearing Bates stamp AGM 194 and 195.</p> <p>3      (Plaintiff's Exhibit 18, document</p> <p>4      bearing production numbers AGM 0194 and</p> <p>5      AGM 0195, marked for identification as</p> <p>6      of this date.)</p> <p>7      BY MR. MALTBIE:</p> <p>8      Q. Mr. Deja, could you tell me if the</p> <p>9      document that's been marked as Plaintiff's</p> <p>10     Exhibit 18 was a document that was produced by</p> <p>11     All Granite in response to the names provided</p> <p>12     by Artisan to All Granite's interrogatories?</p> <p>13     A. Yes. Yes, yes. Um-hum.</p> <p>14     Q. And just looking at the list of</p> <p>15     names, do these documents relate to the name</p> <p>16     Larry Luchan of Demarest, New Jersey?</p> <p>17     A. That is correct, yes.</p> <p>18     Q. And other than the estimate ID do</p> <p>19     you see any other documents here relating to</p> <p>20     this transaction?</p> <p>21     A. No. That's the one that we</p> <p>22     couldn't find the work orders that are</p> <p>23     associated with the account.</p> <p>24     Q. This estimate looks like it was</p> <p>25     created by Mario Szewczyk?</p>
<p>TSG Reporting - Worldwide                    877-702-9580</p> <p style="text-align: right;">Page 164</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      A. Um-hum.</p> <p>3      Q. Who is Mario?</p> <p>4      A. He was our salesman.</p> <p>5      Q. Is he no longer with All Granite?</p> <p>6      A. No longer with All Granite.</p> <p>7      MR. MALTBIE: I'd like to have</p> <p>8      marked as Plaintiff's Exhibit 19 a</p> <p>9      document bearing Bates stamps ART 00237</p> <p>10     through ART 00240.</p> <p>11     (Plaintiff's Exhibit 19, document</p> <p>12     bearing production numbers ART 00237 and</p> <p>13     ART 00240, marked for identification as</p> <p>14     of this date.)</p> <p>15     BY MR. MALTBIE:</p> <p>16     Q. Mr. Deja, I'll represent to you</p> <p>17     these documents were provided to Artisan by</p> <p>18     Ron and Lynn Poynter of Massapequa, New York</p> <p>19     who contacted Artisan in order to obtain a</p> <p>20     sink grid believing that the sink installed by</p> <p>21     All Granite &amp; Marble that was installed in</p> <p>22     their home was an Artisan sink.</p> <p>23     Do these documents appear to be</p> <p>24     documents created by All Granite?</p> <p>25     A. Yes.</p>	<p>TSG Reporting - Worldwide                    877-702-9580</p> <p style="text-align: right;">Page 165</p> <p>1      <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b></p> <p>2      Q. With respect to the statement that</p> <p>3      the Poynters believed that they had received</p> <p>4      an Artisan sink as part of their installation,</p> <p>5      do you have any reason to disbelieve or</p> <p>6      discredit that statement?</p> <p>7      A. The installation was done out of</p> <p>8      our Ridgefield Park location. So, again, they</p> <p>9      must have seen our sink only displayed. And I</p> <p>10     do not believe that any salesman advising --</p> <p>11     or maybe -- well, that's in 2007. Oh, 2007.</p> <p>12     No. That's not possible. So I do</p> <p>13     not believe that any salesman advised them</p> <p>14     about Artisan sinks. I just don't see the</p> <p>15     motive.</p> <p>16     Q. Mr. Deja, we now have been -- or</p> <p>17     Artisan has been contacted by at least six All</p> <p>18     Granite customers, all of whom believe that</p> <p>19     they received an Artisan sink from All Granite</p> <p>20     as part of their installation. Other than --</p> <p>21     do you have any explanation for why six people</p> <p>22     would believe that they have received Artisan</p> <p>23     sinks from All Granite?</p> <p>24     A. I can assume, and that's only my</p> <p>25     personal opinion, that when the customers are</p>

<p style="text-align: center;">Page 166</p> <p>1     <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b>  2     looking for some accessories and they're  3     calling our office, they're being directed to  4     Artisan only because Artisan carries the  5     accessories and the accessories are relatively  6     inexpensive compared to some other brand  7     names. And maybe just informing them about  8     Artisan makes that feeling in their mind that  9     they're being -- that the sinks are Artisan.  10    You know, but the fact is that the sink is  11    not. And, you know, six people for the amount  12    of projects that we're doing, it's not really  13    a big percentage. We install -- we did the  14    calculations, you know, hundreds of  15    countertops every week, you know, 300 that's a  16    number. And we're talking about years. We  17    have those invoices for the period 2006/2007.  18    So these are thousands and thousands of  19    installations. And only six people, that's  20    not a big percentage. And I don't think that  21    that shows the overall scheme of things. You  22    know, the overall way of doing things in our  23    office, because I just don't see the reason  24    why they would tell the customer about Artisan  25    if we have our own brand. That's really --</p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: center;">Page 167</p> <p>1     <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b>  2     other than what I mentioned.  3     <b>Q. Have you checked or -- do you know</b>  4     if Artisan accessories fit the sinks that are  5     manufactured for you by your Chinese  6     manufacturer?  7     A. I'm not sure.  8     <b>Q. Have you tested that?</b>  9     A. No. No, we just -- you know, if  10    somebody wants to get the accessory we leave  11    it to the customer and just tell them check if  12    it fits. But we don't say that it will fit.  13    You know, if the accessories -- I'm not sure  14    basically. And that's not something that I  15    really looked into in the past.  16     <b>Q. Do you know if Artisan</b>  17     <b>Manufacturing sells its accessories or its</b>  18     <b>sinks directly to the retail trade? Or</b>  19     <b>directly to the public?</b>  20     A. I don't think so. I don't believe  21     so. But I don't know.  22     <b>Q. Do you know if your sales force or</b>  23     <b>whoever might be recommending Artisan as a</b>  24     <b>source for sink accessories knows whether</b>  25     <b>Artisan sells sinks directly to the public?</b></p> <p>TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: center;">Page 168</p> <p>1     <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b>  2     A. I don't know. I know that they're  3     selling to some other fabricators but -- can  4     they purchase -- you can purchase it off the  5     website I think. I don't know.  6     <b>Q. Now, you mentioned earlier that</b>  7     <b>you had a meeting -- was it the end of the</b>  8     <b>summer in 2007 with a representative of</b>  9     <b>Artisan?</b>  10    A. Um-hum.  11    <b>Q. Do you recall who that was?</b>  12    A. I thought the name that sounded  13    familiar in the paperwork, Joe Amabile, I  14    think. But I'm not 100 percent sure that that  15    was him.  16    <b>Q. Well, I'll confirm that that was</b>  17    <b>Joe Amabile.</b>  18    A. Okay.  19    <b>Q. Do you recall more specifically</b>  20    <b>when that meeting took place?</b>  21    A. When, no. Not exactly when. He  22    was in my office though in Ridgefield Park.  23    <b>Q. On Austin Street?</b>  24    A. Correct. The location I remember.  25    <b>Q. Do you recall whether you had any</b></p> <p>TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: center;">Page 169</p> <p>1     <b>R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY</b>  2     additional appointments to meet with Joe  3     either before or after the Austin Street  4     meeting where --  5     A. I don't know. No, no. I never  6     saw him again.  7     <b>Q. Do you recall scheduling any</b>  8     <b>meetings with him, even before the Austin</b>  9     <b>Street meeting?</b>  10    A. No, I don't recall anything.  11    <b>Q. Do you recall hearing about the</b>  12    <b>first time that Mr. Amabile entered the</b>  13    <b>Ridgefield Park location?</b>  14    A. No.  15    <b>Q. Is there any reason why a</b>  16    <b>representative of Artisan would not be welcome</b>  17    <b>in the Ridgefield Park location?</b>  18    A. No.  19    <b>Q. Do you recall what you discussed</b>  20    <b>with Mr. Amabile during your meeting at Austin</b>  21    <b>street?</b>  22    A. Yes.  23    <b>Q. And what was that?</b>  24    A. Well, Mr. Amabile wanted me to buy  25    sinks from Artisan and I told him that, you</p> <p>TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: right;">Page 170</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 know, at that point we have our own line of      3 sinks that we just imported. I just told him      4 the way it was, that we import our own sinks.      5 And he understood that, you know, and we were      6 I guess talking a little bit about the price.      7 I told him that these are half the price. I      8 also expressed the fact that clients don't      9 know the origin and there is no real gain in      10 using sinks that the clients don't know.</p> <p>11       And at that time he told us, Okay,      12 but our sinks are better quality. Then I      13 learned about the 16 gauge that Artisan      14 introduced. And I told him, Well, the      15 customer -- 16, 18 gauge, the sink is the      16 sink. The customer looks at it, you know,      17 grabs it, and feels it. Eighteen gauge is a      18 very, very good sink. It's a standard in the      19 industry I guess. So it feels solid. It      20 feels good.</p> <p>21       And I told him I'm not sure that      22 people, you know, would like to buy it for      23 more money from them. And he said it's just a      24 better line. And he proposed an alternative      25 solution. What about if I carry two lines of</p> <p style="text-align: right;">TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 171</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 sinks; my line and his line as a premium line,      3 16 gauge, better, and so forth.      4       But I thought it's not -- it      5 wouldn't be good for image of my brand, first      6 of all, because it would make my sinks look      7 inferior. Then it would create a problem, how      8 would I give away two sinks for free, you      9 know. One of a better value, you know,      10 because it would be a premium 16 gauge line      11 and my sinks. How would I trade it? I would      12 have to divide the customers into better and      13 worse or something and I wouldn't like to do      14 that.</p> <p>15       But at the end I just told him      16 that I'm going to think about it and I never      17 followed up because I never thought that      18 that's a good idea.</p> <p>19       <b>Q. Do you know if Mr. Amabile was</b>      20 <b>proposing that All Granite give away the</b>      21 <b>Artisan sinks or that they upsell them to</b>      22 <b>customers?</b></p> <p>23       A. I don't remember. And I wouldn't      24 consider selling them. And I told him we give      25 away the sinks for free. So we don't make</p> <p style="text-align: right;">TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: right;">Page 172</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 money on sinks. I wouldn't consider selling      3 sinks. His sinks even. Because even though      4 if we had that premium line we would have to      5 charge the customer for it. What that would      6 mean for us, accounting system has to be      7 changed, we would have to rearrange the work      8 orders. You know, I don't know -- the system      9 is not set up for that because then we would      10 have to start tracking sinks because we'd have      11 to pay taxes on them. So it's like a hassle.      12 And what would we gain, with hundred dollars      13 here or there. Most of the people would      14 choose our sinks anyway because it's free and      15 we make granite affordable. We're the company      16 that brought the stone to New Jersey, New York      17 for the price that Formica, Corian countertops      18 used to be. So we cater to the homeowner,      19 middle America. And we want them to get the      20 sink for free. And that's what makes the      21 customer happy.</p> <p>22       <b>Q. You raised the issue of</b>      23 <b>accounting. How do you account for the</b>      24 <b>purchase of the sinks that you buy now from</b>      25 <b>your Chinese manufacturer? Is that just a</b></p> <p style="text-align: right;">TSG Reporting - Worldwide      877-702-9580</p>	<p style="text-align: right;">Page 173</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 business expense with no --      3       A. I think, yes.      4       <b>Q. There's no revenue generated</b>      5 <b>from --</b>      6       A. No revenue generated. Just like      7 an advertising, marketing expense. Just the      8 same way as the cleaner and other freebees.      9       <b>Q. And do you recall during your</b>      10 <b>meeting with Mr. Amabile the fact that he</b>      11 <b>mentioned that he saw an Artisan on display in</b>      12 <b>the South Plainfield showroom?</b>      13       A. I don't remember that.      14       <b>Q. Now, Mr. Amabile testified here on</b>      15 <b>Thursday with respect to the document that we</b>      16 <b>looked at earlier which has been marked as</b>      17 <b>Plaintiff's Exhibit 7 and Mr. Amabile</b>      18 <b>testified that he saw this document both in</b>      19 <b>the Ridgefield Park showroom and in the South</b>      20 <b>Plainfield showroom. Would you have any</b>      21 <b>reason to disbelieve or discredit Mr.</b>      22 <b>Amabile's testimony?</b>      23       A. I don't believe that basically. I      24 do not believe it because I go to the      25 showrooms and I see -- you know, I'm not there</p> <p style="text-align: right;">TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: center;">Page 174</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 to look at sinks but from time to time I will      3 look at different things and I never noticed      4 that. And if something like was there I would      5 notice it and Alex would notice that      6 definitely because he's there every day. So      7 he would tell me that. And I talked to sales      8 office manager in Ridgefield Park. I talked      9 to Alex. They never saw it. So I just -- I      10 just don't believe that.</p> <p>11 Q. Do you recall ever offering a sink      12 to customers -- to consumers with the model      13 number AUD 23210-D9?</p> <p>14 A. The only model number that kind of      15 bangs in my head is that 488 something. And      16 that's the only model number that I recall.</p> <p>17 Q. Now, Mr. Deja, has -- sorry.      18 A. I wanted to mention something      19 about Mr. Amabile.      20 If he mentioned that sink in South      21 Plainfield I'm just wondering because if he      22 saw our sinks at that time, you know, he might      23 have mentioned something about the fact that      24 he doesn't like the logo, that he thinks that      25 it's similar. And, you know, I could talk to</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 175</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 him to resolve the problems. And then all of      3 a sudden we've got the lawsuit coming out of      4 nowhere because he didn't mention anything      5 about those things that apparently bothered      6 him at that time. So that was unfortunate      7 because we might have avoided all that at that      8 point.</p> <p>9 Q. Now, Mr. Deja, has All Granite      10 been involved in any other intellectual      11 property disputes over the past three or four      12 years?</p> <p>13 A. Not in a defendant's position.      14 Most of the cases that we -- no, we never had      15 any case basically if that answers your      16 question. We're being copied left and right      17 and typically what we do is we send a letter      18 advising about taking photographs of our      19 countertops from the websites, taking 3D of      20 the showrooms -- there was a company that      21 copied all of our 3D tools from our websites.      22 Like 3D edges. That happens like every      23 weekend. But they copied everything, the 3D      24 showroom, 2D showroom, and they just copy.      25 And we tried to make a litigation out of it</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Page 176</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 but it's such a hassle, we just made a phone      3 call and they took it off. That's fine.</p> <p>4 Q. Do you recall ever being named in      5 a domain name dispute proceeding brought by      6 Lowes, the home improvement store?      7 A. Lowes?      8 Q. Yes.      9 A. Domain name?      10 Q. Yes.      11 A. Ourmarble.com?      12 Q. No, another domain name.      13 A. No, I don't know.      14 Q. Does All Granite own any domain      15 names?      16 A. We own like 1,500 domain names.      17 Q. Do you know if any of those domain      18 names included the name Lowes?      19 A. I'm not sure. I don't know.      20 Q. Do you know who would know that?      21 A. Our network administrator.      22 Q. Are you aware of any Better      23 Business Bureau complaints that have been      24 lodged against All Granite &amp; Marble?      25 A. Yes.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 177</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. And how many would you say have      3 been lodged against All Granite?      4 A. I don't know. It's hard to say.      5 It's really hard to say. I have to check on      6 it. At this point maybe we have six maybe.      7 Something like that. I don't know. I don't      8 want to give the false number. I take that      9 back.</p> <p>10 Q. Are any unresolved at this point,      11 to your knowledge?      12 A. There are some disputes that are      13 being worked on right now. And I guess we      14 have to reply to the customers or the case was      15 taken care of and the customer never notified      16 the Better Business Bureau about it.      17 Q. Are you aware of any other      18 investigations being conducted into All      19 Granite &amp; Marble?      20 A. No.      21 Q. Any investigation by the IRS?      22 A. No.      23 Q. Any--      24 A. Um, IRS? You mean, a pending IRS?      25 We're talking about regular audits or</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 178</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 something?</p> <p>3 Q. Regular audits or investigations 4 by the IRS.</p> <p>5 A. I'm not aware. I think we had an 6 audit two years ago. I don't know.</p> <p>7 Q. Any investigations by the INS?</p> <p>8 A. No.</p> <p>9 MR. MALTBIE: I'd like to mark as 10 Plaintiff's Exhibit 20 a six-page 11 document entitled Order to Show Cause 12 For Preliminary Injunction, Temporary 13 Restraining Order and Order For 14 Expedited Discovery signed by Judge 15 William Pawley on January 11, 2008. 16 (Plaintiff's Exhibit 20, Order to 17 Show Cause For Preliminary Injunction, 18 Temporary Restraining Order and Order 19 For Expedited Discovery, marked for 20 identification as of this date.)</p> <p>21 BY MR. MALTBIE:</p> <p>22 Q. Mr. Deja, if you could take a look 23 at what's been marked as Plaintiff's 24 Exhibit 20 and tell me if you've ever seen 25 this document before.</p>	<p style="text-align: right;">Page 179</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. I might have. 3 Q. Could you tell me if you remember 4 attending a court conference on January 11, 5 2008?</p> <p>6 A. Yes, definitely. 7 Q. And do you remember the outcome of 8 that court conference? 9 A. It concluded with the judge 10 wanting us to settle it. 11 Q. Do you know if the judge entered 12 any order with respect to the alleged 13 infringement of the Artisan trademarks by All 14 Granite?</p> <p>15 A. No. 16 Q. Since January 11th has All Granite 17 continued to install stainless steel sinks 18 which bear the crown logo? 19 A. Yes. 20 Q. And has there been any attempt to 21 alter or modify the crown logo on the sinks? 22 A. Definitely, yes. We're in process 23 of doing something to it, you know, to 24 eliminate it. We're working on a method of 25 the removal of the logo altogether. It's a</p>
<p>TSG Reporting - Worldwide      877-702-9580</p>	<p>TSG Reporting - Worldwide      877-702-9580</p>
<p style="text-align: right;">Page 180</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 special method because it's a thermal print so 3 we're talking to different printing companies 4 to find a good solvent to remove it so we're 5 working on it.</p> <p>6 Q. My question is with respect to -- 7 it's one month exactly from January 11th to 8 today. Have the sinks that All Granite has 9 installed, have they included the crown logo 10 that's the subject of this lawsuit?</p> <p>11 A. My understanding was that the 12 judge said -- how did he phrase it? When we 13 asked him whether we should continue 14 installing it he said, Well, it's not the end 15 of the world. Something like that. And that 16 was my impression.</p> <p>17 And the whole issue I guess was 18 based on the assumption that the logo is 19 similar and he left it to our discretion to 20 decide whether it is similar or not. If the 21 logo is similar we shouldn't be installing 22 them. If the logo is not similar, we can 23 continue installing it and the judge said that 24 he's not going to decide on the factual matter 25 whether the logo is, in fact, similar or not.</p>	<p style="text-align: right;">Page 181</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 So it was like -- and that was my 3 impression at that time that we can still 4 continue distributing the sink until the 5 matter is resolved.</p> <p>6 Q. Was that a legal opinion given to 7 you by the judge or someone else? 8 A. I think that was judge's opinion 9 and that's what I venture.</p> <p>10 Q. Do you recall the judge saying 11 that he wasn't going to provide you with legal 12 advice? 13 A. Yes. He just said... 14 (Pause on the record.)</p> <p>15 Q. Mr. Deja, just a few more 16 questions. With respect to the branding of 17 the All Granite sinks, what value have you 18 seen come about as a result of the inclusion 19 of a logo or design on the All Granite sinks? 20 A. As I said, there is no value that 21 we can input in dollars, obviously. But there 22 is better reaction from the customer to see 23 the sink that has a logo, some logo, as 24 opposed to no logo at all. And that's what it 25 is pretty much.</p>
<p>TSG Reporting - Worldwide      877-702-9580</p>	<p>TSG Reporting - Worldwide      877-702-9580</p>

<p style="text-align: center;">Page 182</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 Q. And I believe you testified that      3 you do -- other than placing the actual logo      4 on the sink there's no marketing or inclusion      5 of that logo on any other marketing material      6 that All Granite does?      7 A. That is correct. There is no logo      8 on brochures, advertisements of any sort.      9 Q. Do you have any plans to develop      10 marketing for -- for or behind that logo?      11 A. At this point with the whole      12 litigation I don't have any plans because we      13 have to see what's going to happen at the end      14 of the day here. And for the future plans,      15 branding the sinks is one of the least of my      16 worries, so to speak. There are some other      17 things that I would like to dedicate my time      18 to in the nearest future and that's not the      19 branding of the sinks.      20 Q. How about on December 13th of      21 2007? Were there any plans as of December      22 13th, 2007, before you received the cease and      23 desist letter in this case, with respect to      24 the marketing or branding of All Granite      25 sinks?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 183</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 A. Well, we had certain plans for the      3 sinks for the future. But that was nothing      4 really, not even sketchy. Not even -- you      5 know, for us at that point we were happy that      6 we have the sinks that are a good value for      7 the customer that are affordable for us and      8 that's pretty much it.      9 Q. With respect to your competitors      10 in the granite fabrication business how      11 closely do you keep track of their activities?      12 A. Oh, you know, not very closely but      13 somewhat closely. I look through the direct      14 print magazines because we advertise in a lot      15 of different magazine, Clipper Magazine,      16 Value-Pak, Super Coups. All sorts of direct      17 mass mailing vehicles. So I like to -- you      18 know, I always get a copy, so I skip through      19 it to see who joined as a competitor.      20 people -- fabricators like to follow our      21 example. So when we are in certain      22 publications they're automatically -- the next      23 issue two or three will join.      24 Q. Do you ever visit any of your      25 competitors' showrooms?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Page 184</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 A. I've been to some.      3 Q. Are you aware of any of your      4 competitors that do carry Artisan sinks?      5 A. I know that Atlas Marble &amp; Granite      6 carry Artisan sinks.      7 Q. Do you know whether they sell      8 sinks or --      9 A. Give away. 100 percent give away.      10 Q. 100 percent?      11 A. I actually visited the booth      12 Saturday and looked at their brochure.      13 Q. Do you know for sure whether they      14 give away free Artisan sinks?      15 A. That's what I'm saying. They have      16 the brochure and it said free sinks and I      17 checked their sinks and I made sure with the      18 representative who was on the stand that I'm      19 going to get the free sink with the order.      20 Q. Do you know if Artisan is the only      21 brand of sinks that they carry?      22 A. It seems to be the only brand      23 because at this point they have Artisan.      24 Almost every fabricator of a decent size      25 offers free sinks right now with the coupons.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Page 185</p> <p>1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY      2 They're fairly -- that's a trend. It became a      3 trend after we started offering free sinks.      4 Q. Do you know how many fabricators      5 started offering Artisan sinks?      6 A. No.      7 Q. Other than Atlas do you know any      8 other fabricators that offer Artisan sinks?      9 A. I could check.      10 Q. As you sit here today do you know?      11 A. No. Maybe Prestige but I'm not      12 sure.      13 (Continued on next page to include      14 jurat.)</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

MR. MALTBIE: I have no further questions at this time.  
MR. CHIODO: Okay. I have none.  
(Time Noted: 5:10 p.m.)

MR. CHIODO: Okay. I have none.  
(Time Noted: 5:10 p.m.)

(Time Noted: 5:10 p.m.)

ROBERT DEJA

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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C E R T I F I C A T E  
STATE OF NEW YORK )  
: ss.  
COUNTY OF NEW YORK )

I, FRANCIS X. FREDERICK, a  
Notary Public within and for the State  
of New York, do hereby certify:

That ROBERT DEJA, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of February, 2008.

FRANCIS X. FREDERICK

TSG Reporting - Worldwide 877-702-9580

Page 188

Page 189

----- INDEX -----  
WITNESS EXAMINATION BY PAGE  
ROBERT DEJA MR. MALTBIE 4

----- EXHIBITS -----  
PLAINTIFF'S FOR ID

----- INFORMATION REQUESTS -----  
DIRECTIONS: NONE  
RULINGS: NONE  
TO BE FURNISHED: NONE  
REQUESTS: NONE  
MOTIONS: NONE

----- EXHIBITS -----  
PLAINTIFF'S FOR ID.  
E 111412

----- EXHIBITS -----  
PLAINTIFF'S FOR ID.  
Exhibit 10  
document bearing production numbers  
ART 00193 through ART 00213..... 6  
Exhibit 11  
document bearing production numbers  
AGM 0035 through AGM 0040..... 7

Exhibit 12	
document bearing production numbers	
AGM 0041 through AGM 0043.....	87
Exhibit 13	
document bearing production number	
AGM 0033.....	93
Exhibit 14	
document bearing production numbers	
AGM 0162 through AGM 0171.....	142
Exhibit 15	
document bearing production numbers	
AGM 00187 through AGM 0193.....	151
Exhibit 16	
Declaration of Alice Anderson dated	
January 31, 2008.....	152
Exhibit 17	
document bearing production numbers	
AGM 0179 through AGM 0186.....	157
Exhibit 18	
document bearing production numbers	
AGM 0194 and AGM 0195.....	163

TSG Reporting - Worldwide 877-702-9580

TSG Reporting - Worldwide 877-702-9580

Page 190

1  
2 ----- EXHIBITS -----  
3 PLAINTIFF'S FOR ID.  
4 Exhibit 19  
5 document bearing production numbers  
6 ART 00237 and ART 00240..... 164  
7 Exhibit 20  
8 Order to Show Cause For Preliminary  
9 Injunction, Temporary Restraining Order  
10 and Order For Expedited Discovery..... 178  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TSG Reporting - Worldwide 877-702-9580

Page 191

1 NAME OF CASE: ARTISAN v. ALL GRANITE  
2 DATE OF DEPOSITION: FEBRUARY 11, 2008  
3 NAME OF WITNESS: ROBERT DEJA  
4 Reason codes:  
5

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

6 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
7 From \_\_\_\_\_ to \_\_\_\_\_

8 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
9 From \_\_\_\_\_ to \_\_\_\_\_

10 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

11 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

12 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

13 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

14 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

15 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

16 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

17 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

18 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

19 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

20 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

21 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

22 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

23 \_\_\_\_\_

24 ROBERT DEJA

25 TSG Reporting - Worldwide 877-702-9580